

NOV 1 2005
CLERK'S OFFICE
U.S. DISTRICT COURT
**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
United States of America

-VS-

Wen Xiong Chen
-----X

GERSHON, U.S.D.J.

**TRANSFER ORDER
EDNY 03 CR 1061 (NG)**

Based upon the letter of October 27, 2005, from Kenneth M. Smith, Assistant United States Attorney of the Western District of North Carolina, it appears that the September 26, 2003 change of venue order, transferring this defendant's case to the Eastern District of New York, was improvidently entered. At the time of the transfer, the defendant had not been arrested and therefore could not and did not join in the transfer motion filed on behalf of the other defendants.

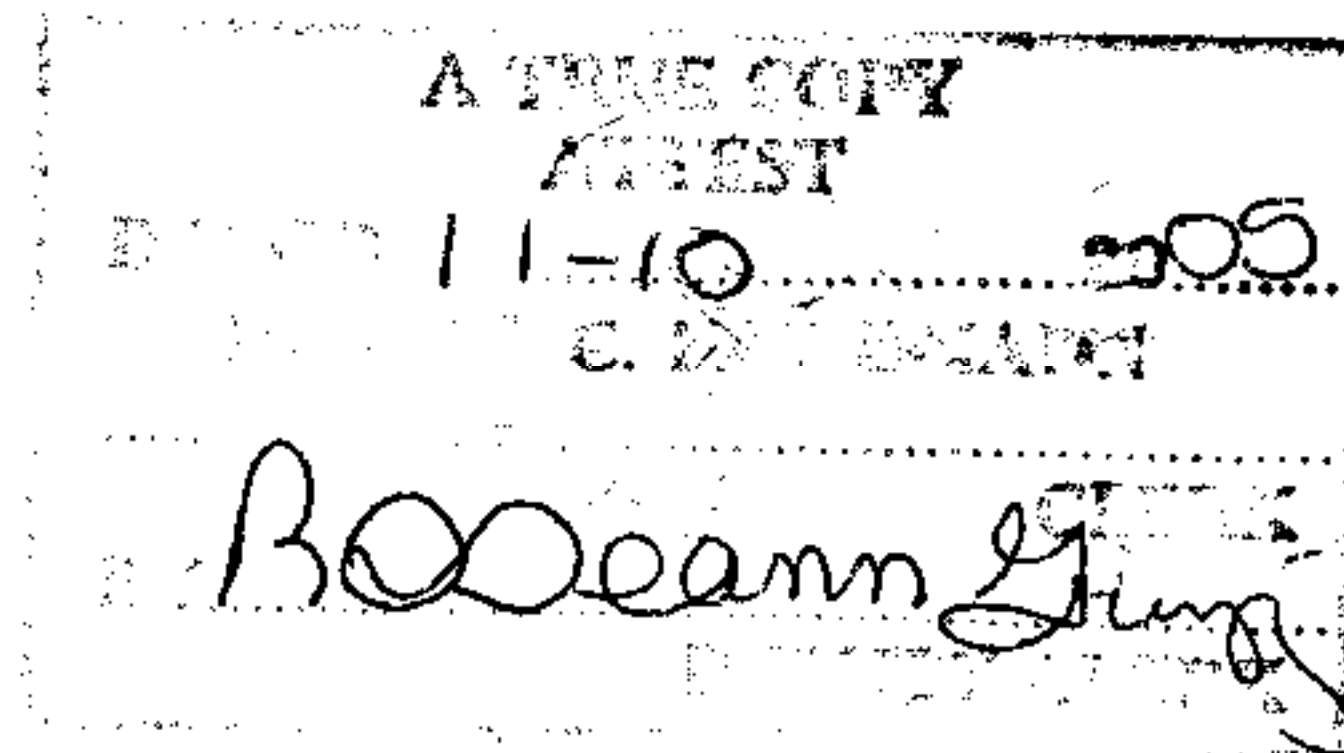
Since it is undisputed that there is no basis for venue in this district, this case is hereby transferred to the Western District of North Carolina.

So Ordered.

Nina Gershon
Nina Gershon, U.S.D.J.

Dated: November 4, 2005
Brooklyn, New York

cc: Kenneth Smith, AUSA
Wendall Odom, Esq.



MJSELECT

U.S. District Court
Eastern District of New York (Brooklyn)
CRIMINAL DOCKET FOR CASE #: 1:03-cr-01061-NG-11
Internal Use Only

Date Filed: 09/19/2003

Case title: USA v. Poon et al

Assigned to: Judge Nina Gershon

Defendant

Wen Xiong Chen (11)

Pending CountsBRIBERY OF PUBLIC OFFICIALS AND
WITNESSES
(91)**Disposition****Highest Offense Level (Opening)**

Felony

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

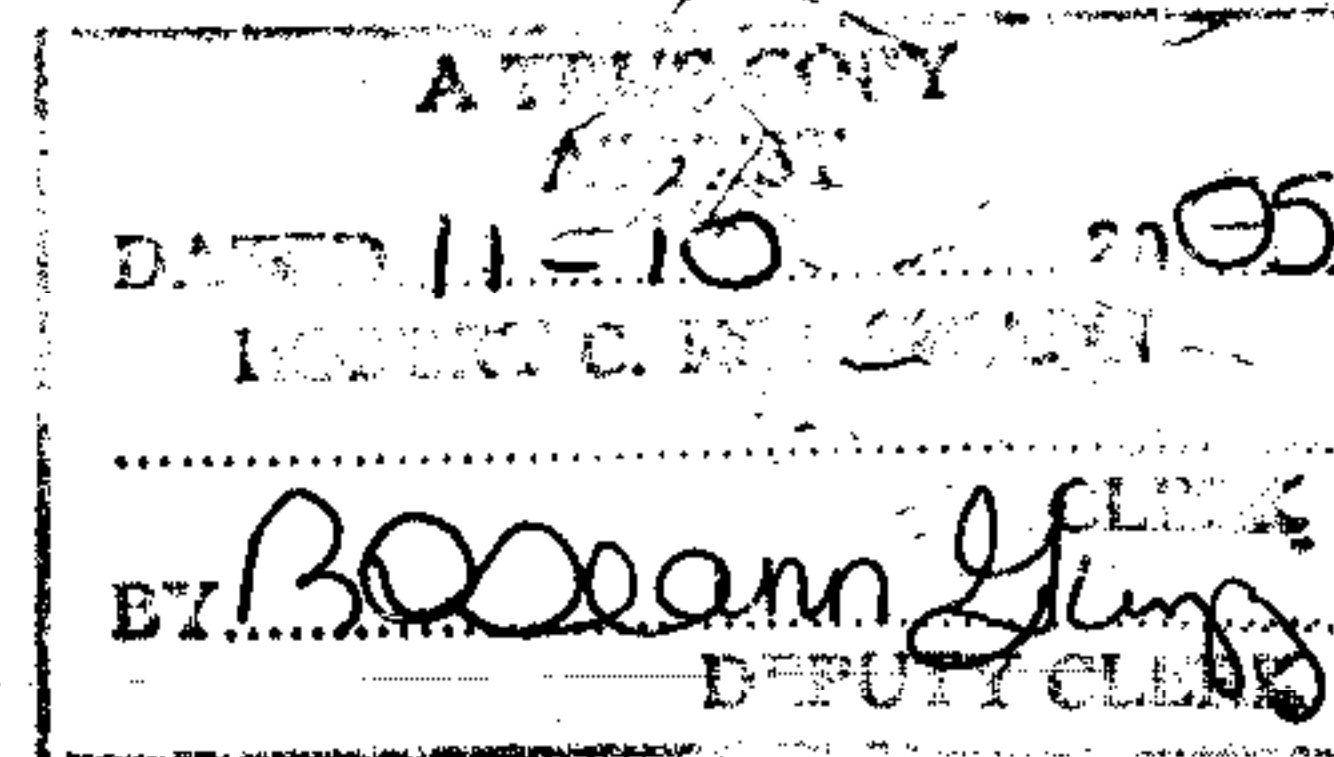
None

Complaints

None

Disposition**Plaintiff**

USA



Date Filed	#	Docket Text
09/19/2003	<u>1</u>	ORDER FOR CHANGE OF VENUE FROM UNITED STATES DISTRICT COURT, CHARLOTTE, NORTH CAROLINA. as to Sai-Wah Poon, Mei Mei Poon Chui, Tian Qing Lin, Chi Ping Chan, Wei Chen, Deming Chen, Wei Xu, Chung Ming Tsang, Yua Hua Huang, Wen Xiong Chen, Chi Chun Wong, Chi Wing Wong, Wai Chun Wong, Yiming Cao, Liang Chen, Saizhen Li, Yong Kuang, Xiang Cai Wang, Shanzeng Chen, Kunbin Liu, Jian Dong Lin, Min Gui Chen, Xia Oxin Ou, Qi Jin Huang, Qi Xin Weng, Xiang Oiu Lin, Zi Ming Wu, Zhang Xin Li, Yong Gao, Liu Zhen Liang, Wei Kenny Chen, Chun Jian Chen. (Signed by Chief United States District Judge, Graham C. Mullen, Charlotte Division) Undated. (Guzzi, Roseann) (Entered: 09/25/2003)
09/19/2003		***Magistrate Judge Gold chosen by random selection to handle matters that may be referred in case as to Sai-Wah Poon, Mei Mei Poon Chui, Tian Qing Lin, Chi Ping Chan, Wei Chen, Deming Chen, Wei Xu, Chung Ming Tsang, Yua Hua Huang, Wen Xiong Chen, Chi Chun Wong, Chi Wing Wong, Wai Chun Wong, Yiming Cao, Liang Chen, Saizhen Li, Yong Kuang, Xiang Cai Wang, Shanzeng Chen, Kunbin Liu, Jian Dong Lin, Min Gui Chen, Xia Oxin Ou, Qi Jin Huang, Qi Xin Weng, Xiang Oiu Lin, Zi Ming Wu, Zhang Xin Li, Yong Gao, Liu Zhen Liang, Wei Kenny Chen, Chun Jian Chen. (Guzzi, Roseann) (Entered: 09/25/2003)

09/19/2003	●2	INDICTMENT as to Sai-Wah Poon (1) count(s) 78-82, 114, 116-124, 128, Mei Mei Poon Chui (2) count(s) 83-85, 86, 92-94, 114, 116-118, 125-127, 128, 131-132, Tian Qing Lin (3) count(s) 97-98, 104-106, 113, 118, 128, Chi Ping Chan (5) count(s) 86-89, 91-98, 115, 128, 129, 130, Wei Chen (6) count(s) 128, Deming Chen (7) count(s) 102, 107, 128, Wei Xu (8) count(s) 87, Chung Ming Tsang (9) count(s) 88, Wen Xiong Chen (11) count(s) 91, Chi Chun Wong (12) count(s) 92, Chi Wing Wong (13) count(s) 93, Wai Chun Wong (14) count(s) 94, Yiming Cao (15) count(s) 95, Liang Chen (16) count(s) 103, Saizhen Li (17) count(s) 99, Yong Kuang (18) count(s) 100, Xiang Cai Wang (19) count(s) 101, Shanzeng Chen (22) count(s) 97, 106, Kunbin Liu (23) count(s) 108, Jian Dong Lin (24) count(s) 110, Min Gui Chen (28) count(s) 115, Qi Jin Huang (31) count(s) 89, Qi Xin Weng (32) count(s) 78, 120, Xiang Oiu Lin (33) count(s) 79, 121, Zi Ming Wu (34) count(s) 80, 122, Zhang Xin Li (36) count(s) 82, 124, Yong Gao (37) count(s) 83, 125-126, Liu Zhen Liang (40) count(s) 114, Wei Kenny Chen (41) count(s) 111-112, 128, Chun Jian Chen (42) count(s) 128. (Guzzi, Roseann) (Entered: 09/25/2003)
10/14/2003	●4	Letter dated 10/10/03 from AUSA Kenneth M. Smith(in the Western District of North Carolina) to Judge Gershon to advise the Court of the Government's expectations of how it intends to proceed. (Guzzi, Roseann) (Entered: 12/04/2003)
10/20/2003	●5	Letter dated 10/14/03 from AUSA Kenneth M. Smith to Judge Gershon to advise that my status/letter of 10/10/03 was mailed to attorneys of record who last represented the Poon, et al. defendants that were transferred to EDNY. (Guzzi, Roseann) (Entered: 12/04/2003)
10/20/2003	●6	Letter dated 10/15/03 from Aaron E. Michael, Esq. (WDNC) to Judge Gershon to advise of several pending pre-trial motions as to Mrs. Poon. (Guzzi, Roseann) (Entered: 12/04/2003)
11/03/2003	●7	Letter dated 10/27/03 from C. Melissa Owen, defense counsel for Sai Wah Poon in the Western District of North Carolina to Judge Gershon in response to AUSA Kenneth Smith's letter of 10/10/03 letter on behalf of all undersigned attorneys re: attempts to resolve pre-trial matters. (Guzzi, Roseann) (Entered: 12/04/2003)
12/04/2003	●8	NOTICE dated 11/24/03 to Counsel, Marshals, Interpreters and pre-trial service that case will be called on 12/12/03 at 2:30 before Judge Gershon for status conference.(Guzzi, Roseann) (Entered: 12/04/2003)
12/23/2003	●47	Letter dated 12/19/04 from Kenneth M. Smith to Judge Gershon to inform the Court of the Government's efforts to offer plea agreements. (Guzzi, Roseann) (Entered: 03/09/2004)
01/02/2004	●18	Letter dated 12/29/03 from Sam A. Schmidt, Esq. to Judge Gershon enclosing a CJA 21 Voucher and affirmation to obtain the services of the International Investigative Group Ltd. to assist in locating and interviewing witnesses. (Guzzi, Roseann) (Entered: 02/12/2004)
01/02/2004	●19	Discovery Letter dated 12/29/03 from Sam A. Schmidt to Kenneth Smith, Esq. as to Sai Wah Poon, et al. (Guzzi, Roseann) (Entered: 02/12/2004)
03/04/2004	●43	Copies of Judgement of Acquittal(s) from the Western District of North Carolina as to Yong Lian Dong, Shun Ming Kuang and Yuen Fai Liu. (Guzzi, Roseann) (Entered: 03/04/2004)
03/29/2004		***Motions terminated [45] MOTION to Dismiss <i>all counts</i> filed by Chi Chun Wong. (Guzzi, Roseann) (Entered: 03/29/2004)
05/04/2004	●69	GOVERNMENT'S EXHIBIT LIST by USA as to Sai-Wah Poon, Mei Mei Poon Chui, Tian Qing Lin, Chi Ping Chan, Wei Chen, Deming Chen, Wei Xu, Chung Ming Tsang, Yua Hua Huang, Wen Xiong Chen, Chi Chun Wong, Chi Wing Wong, Wai Chun Wong, Yiming Cao, Liang Chen, Saizhen Li, Yong Kuang, Xiang Cai Wang, Shanzeng Chen, Kunbin Liu, Jian Dong Lin, Min Gui Chen, Xia Oxin Ou, Qi Jin Huang, Qi Xin Weng, Xiang Oiu Lin, Zi Ming Wu, Zhang Xin Li, Yong Gao, Liu Zhen Liang, Wei Kenny Chen, Chun Jian Chen, Kang Chen, Mai See Tham, Zhendi Lin. (Guzzi, Roseann) (Entered: 05/13/2004)
03/03/2005	●	Tian Qing Lin, Wei Chen, Deming Chen, Wei Xu, Wen Xiong Chen, Wai Chun Wong, Yiming Cao, Saizhen Li, Yong Kuang, Shanzeng Chen, Jian Dong Lin assigned to the Fugitive List, placed in Location LF and reaassigned To Unassigned/Fugitive. Judge Nina Gershon no longer assigned to the defendant. (Guzzi, Roseann) (Entered: 03/03/2005)
04/08/2005		***Motions terminated [53] MOTION to Dismiss <i>by leave of this court endorsed on the Order of Dismissal, the U.S. Attorney for the Western District of North Carolina hereby dismisses without prejudice the charges in this Bill of indictment against the Deft. filed by USA.</i> (Guzzi, Roseann)

		(Entered: 04/08/2005)
08/01/2005	●	Arrest of Wen Xiong Chen in Southern District of Texas. On 8/5/05 Rule 5 papers sent to the Western District of North Carolina. On 9/2/05 Rule 5 papers sent to Eastern District of New York from Western District of North Carolina. (Guzzi, Roseann) (Entered: 09/14/2005)
09/06/2005	●	Defendant Wen Xiong Chen reassigned back to Judge Nina Gershon. No longer on Futvie list. Received Rule 40 documents from the Western District of North Carolina. (Guzzi, Roseann) (Entered: 09/13/2005)
09/06/2005	● <u>115</u>	Rule 5(c)(3) Documents Received as to Wen Xiong Chen. (Attachments: # <u>1</u> Rule 5 documents from Southern District of Texas(docket sheet, appearance bond(SDTX); order setting conditions of release(SDTX); Waiver of Rule 5 and hearings(SDTX); Order of detention(SDTX) (2) Transfer Order from Western District of North Carolina (3) docket sheet from Western District of North Carolina)(Guzzi, Roseann) (Entered: 09/14/2005)
10/31/2005	● <u>116</u>	ORDER EXCLUDING TIME (endorsed on letter dated 10/26/05 from Wendell A. Odom, Jr.) - Ends of Justice as to Wen Xiong Chen Time excluded from 10/26/05 until 11/22/05. (Ordered by Judge Nina Gershon on 10/28/05) (Guzzi, Roseann) (Entered: 10/31/2005)
11/02/2005	● <u>117</u>	Letter from AUSA Kenneth M. Smith to Judge Gershon re: change of venue. (Guzzi, Roseann) (Entered: 11/02/2005)
11/10/2005	● <u>118</u>	TRANSFER ORDER dated 11/4/05 since it is undisputed that there is no basis for venue in this district, this case is hereby transferred to the Western Distirct Of North Carolina as to Wen Xiong Chen (defendant #11). *Sent certified copies of docket sheet, indictment, initiating transfer order, letter from Kenneth M. Smith and transfer order dated 11/4/04. (Ordered by Judge Nina Gershon on 11/4/05) (Guzzi, Roseann) (Entered: 11/10/2005)



U.S. Department of Justice
United States Attorney
Western District of North Carolina

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October 27, 2005

The Honorable Nina Gershon
United States District Court Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Wen Xiong Chen*, H-05-630-M
(WDNC Case No. 3:02CR233-MU-11)

0303 1061(NG)

Dear Judge Gershon:

I write in response to your clerk Randall Jackson's questions regarding this matter. In a September 26, 2003 change of venue Order, Western District of North Carolina Chief Judge Graham C. Mullen transferred defendant Chen's case to the Eastern District of New York. At the time of this transfer, the defendant had not been arrested and, as a consequence, could not and did not join in the venue transfer motion filed on behalf of other defendants. Based upon my review of the case file, this defendant has resided in the Houston, Texas area for many years and has little to no ties to the Eastern District of New York.

More importantly, based upon my conversations with his lawyer Wendell Odom, the defendant does not want this matter handled in the Eastern District of New York and wants his case transferred back to this District. I have suggested to Mr. Odom that, pursuant to Fed. R. Crim. P. 21, he file with this Court a venue transfer motion and proposed order. Of course, the United States will not oppose this motion.

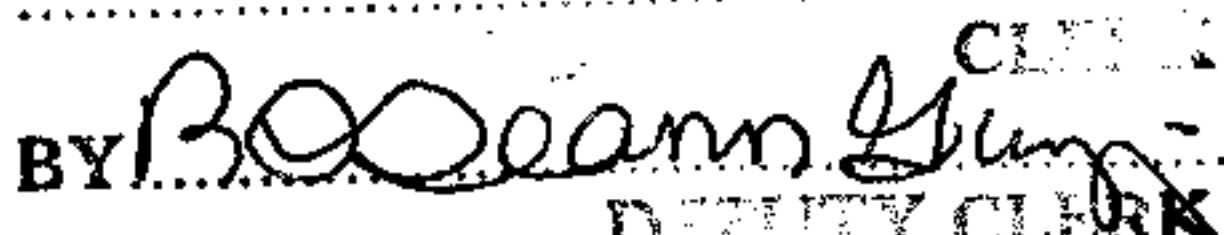
Please let me know if you have any questions or concerns.

Very truly yours,

GRETCHEN C. F. SHAPPERT
UNITED STATES ATTORNEY


KENNETH M. SMITH
ASSISTANT U.S. ATTORNEY

cc: Defense counsel (via fax and U.S. mail)

TRUE COPY	
ATTEST	
DATED 11-10-2005	
BY  DEPUTY CLERK	